

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEITH W. CANDLER,) No. C 05-4108 MMC (PR)
Plaintiff,)
) **ORDER GRANTING MOTION FOR
STAY OF DISCOVERY; DENYING
MOTION TO COMPEL**
v.)
M.S. EVANS, Warden, et al.,)
Defendants.) (Docket Nos. 51 & 53)

On October 12, 2005, plaintiff, a California prisoner proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983 against numerous officials at Salinas Valley State Prison (“SVSP”). On June 11, 2007, defendants filed a motion to dismiss and for summary judgment.

Now before the Court is defendants' motion, filed June 14, 2007, to stay discovery, on the ground their motion to dismiss and for summary judgment asserts, inter alia, the defense of qualified immunity. As a general matter, a district court should stay discovery until the issue of qualified immunity is resolved. See Crawford-El v. Britton, 523 U.S. 574, 598 (1998); Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982).

Accordingly, defendants' motion for a stay of discovery is hereby GRANTED and all discovery is hereby STAYED. Should defendants' motion to dismiss and for summary judgment be denied in whole or in part, the Court will order the stay lifted at that time.

1 In light of the stay ordered herein, plaintiff's motion to compel, filed June 12, 2007, is
2 hereby DENIED without prejudice to plaintiff's refiling said motion if and when the Court
3 orders the stay in this matter lifted.

4 This order terminates Docket Nos. 51 and 53.

5 IT IS SO ORDERED.

6 | DATED: June 29, 2007

Maxine M. Chesney
MAXINE M. CHESNEY
United States District Judge

United States District Court

For the Northern District of California